

**IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:12-cv-337**

**TERESA WATSON and RICHARD  
WATSON,**

**Plaintiffs,**

**vs.**

**U.S. GEAR TOOLS, INC. and  
MICROMATIC LLC,**

**Defendants.**

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**ORDER**

**THIS MATTER** is before the Court *sua sponte* to ascertain subject matter jurisdiction.

The Defendant Micromatic LLC, removed this action from state court based upon diversity jurisdiction (#1). In the Complaint, Plaintiffs' allege that Micromatic LLC is a corporation organized under the laws of the state of Delaware with its principal place of business in the state of Indiana. In the Notice of Removal, Micromatic LLC states it is a citizen of Illinois, Indiana, Michigan and Ohio because it is a Delaware limited liability company, the members of which are citizens of these four states. (#1)

Courts have an affirmative duty to question subject matter jurisdiction even

when the parties have not done so. Interstate Petroleum Corp. v. Morgan, 249 F.3d 215 (4<sup>th</sup> Cir. 2001); Plyer v. Moore, 129 F.3d 728, 732 n.6 (4<sup>th</sup> Cir. 1997), *certiorari denied* 524 U.S. 945, 118 S.Ct. 2359, 141 L.Ed.2d 727 (1998); 28 U.S.C. §1447(c)("If at any time before final judgment it appears that the district court lacks subject matter jurisdiction, the case shall be remanded."). A limited liability company is a citizen of all states in which its constituent members are citizens. Carden v. Arkoma Associates, 494 U.S. 185, 110 S.Ct. 1015, 108 L.Ed.2d 157 (1990). The Defendants has disclosed in their Notice of Removal some information regarding the constituent members or partners but has not provided enough information from which this court can determine whether or not there is diversity jurisdiction.

**IT IS, THEREFORE, ORDERED** that on or before December 15, 2012, the Defendant Micromatic LLC shall file a response disclosing the names and citizenships, if any, of all the constituent members or partners of the above referenced LLC's, and, for any such constituent members or partners that are limited liability companies or partnerships, to identify the citizenships of the respective constituent members or partners until all such constituents are fully identified.

Signed: November 27, 2012

Dennis L. Howell

Dennis L. Howell  
United States Magistrate Judge

